

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**JAMES FALLON, SHERRY FALLON,  
TROYCE WALT and PAT WALT**

**Plaintiffs,**

**VS.**

**GRIZZLY INDUSTRIAL, INC., DIRECT  
DISTRIBUTORS, INC. d/b/a AGMATE  
and AGRI-SUPPLY COMPANY**

## Defendants.

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**CASE NO. 4:12CV174**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

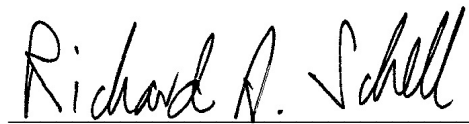
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 5, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Direct Distributors, Inc. d/b/a Agmate's Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56 (Dkt. 35) be DENIED as to Plaintiffs' claims based on design defect and GRANTED as to Plaintiffs' claims based on marketing and manufacturing defects.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the parties having recently waived the full objection period (*see* Dkt. 74), this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore,

Defendant Direct Distributors, Inc. d/b/a Agmate's Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56 (Dkt. 35) is DENIED as to Plaintiffs' claims based on design defect and GRANTED as to Plaintiffs' claims based on marketing and manufacturing defects.

**IT IS SO ORDERED.**

**SIGNED this the 20th day of June, 2013.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE